

Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JOE S. BOOKE and MECHELLE R.  
BOOKE, husband and wife, and the marital  
community composed thereof, and as  
Guardians of KJB, a minor,

Plaintiffs,

vs.

ROSE ART, INC., believed to be a New  
Jersey corporation; MEGABLOKS, INC., a  
foreign corporation; ABC CORPORATIONS  
1-10, believed to be the parent corporation(s)  
of Rose Art, Inc.; and ABC  
CORPORATIONS 11-20, believed to be  
wholly owned subsidiaries of Rose Art, Inc.,

Defendants.

Case No. CV06-0434 JCC

**STIPULATED MOTION TO SEAL FILE  
AND AGREED ORDER**

**STIPULATION**

COME NOW the undersigned parties and respectfully request that Court seal the  
Petition for Approval of Minor Settlement, Report of the Guardian ad Litem, and Order  
Approving Minor Settlement, and any other document containing reference to the settlement  
amount and/or distribution allocation in the above-referenced file. This case arises out of the

STIPULATED MOTION TO SEAL FILE  
AND AGREED ORDER (CV06-0434 JCC) - 1

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1 injuries to a minor child. The case has settled and the parties have agreed that these court files  
2 be sealed.

3 This case did not proceed through discovery or substantive motions, and so, materials  
4 related to liability issues are not contained in these files. The information contained in these  
5 files concerns the injuries to the child, which should remain private, and it is important to the  
6 plaintiffs that the Petition for Approval of Minor Settlement, Report of the Guardian ad Litem,  
7 Order Approving Minor Settlement, and any document referencing the settlement amount or  
8 distribution allocation remain confidential for obvious reasons. The public interest would not  
9 be served by disclosing this private information because:

10 1. The materials in these files are made up of documents normally protected by  
11 physician-patient privilege that would normally be exempt from public review;

12 2. Sealing the record is necessary to fulfill the strong public policy of encouraging  
13 settlements because the parties bargained for, and agreed to, confidentiality as a material  
14 element of the settlement;

15 3. The materials sought to be sealed do not contain substantive information that  
16 will assist others in similar litigation;

17 4. Disclosure of the settlement terms, settlement amount, medical information,  
18 personal and financial information regarding the child, distribution allocation, and other  
19 materials will not serve the public interest; and

20 5. Confidentiality of the settlement terms and private information in this matter  
21 outweighs any other person's or entity's need to know.

22  
23  
24 STIPULATED MOTION TO SEAL FILE  
25 AND AGREED ORDER (CV06-0434 JCC) - 2

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DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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OGDEN MURPHY WALLACE

By \_\_\_\_\_  
Simeon J. Osborn, WSBA #14484  
Attorney for Plaintiffs

By \_\_\_\_\_  
D. K. Yoshida, WSBA # \_\_\_\_\_  
Attorney for Defendant Rose Art  
Industries, Inc.

WILLIAMS KASTNER & GIBBS

By \_\_\_\_\_  
Jeffrey R. Johnson, WSBA # \_\_\_\_\_  
Attorney for Defendant Mega Bloks, Inc.

**ORDER**

Based upon the foregoing stipulation, IT IS ORDERED that the Petition for Approval of Minor Settlement, Report of the Guardian ad Litem, Order Approving Minor Settlement and any documents referencing settlement terms or distribution allocation shall be filed under seal, and the Clerk of the Court is instructed to do so and keep these pleadings and documents under seal.

DATED THIS 17th day of November, 2006.



UNITED STATES DISTRICT JUDGE

STIPULATED MOTION TO SEAL FILE  
AND AGREED ORDER (CV06-0434 JCC) - 3

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